

CHAPTER NO. 655

SENATE BILL NO. 2224

By Ramsey, Atchley

Substituted for: House Bill No. 2209

By Boyer, McDaniel

AN ACT To amend Title 56, Chapter 1, Part 3, relative to the recovery of investigative, prosecutorial, and hearing costs incurred by the division of regulatory boards and the boards and commissions attached thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 3, is amended by adding the following new section:

Section _____. (a) Notwithstanding any contrary provision of law, the Division of Regulatory Boards or any board, commission or agency attached thereto may assess the actual and reasonable costs of the investigation, prosecution and hearing of any disciplinary action held in accordance with the contested case provisions of Title 4, Chapter 5, Part 3, and in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the division or respective board, commission or agency. These costs may include but are not limited to those incurred and assessed for the time of the prosecuting attorney(s), investigator(s), expert witness(es), administrative judge(s) and any other person(s) involved in the investigation, prosecution and hearing of the action.

(b) The Commissioner shall promulgate rules and regulations establishing a schedule of costs which may be assessed pursuant to this section.

(c)(1) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.


(2) If the individual or entity disciplined fails to pay an assessment when it becomes final, the division may apply to the appropriate court for a judgement and seek execution of such judgement.

(3) Jurisdiction for recovery of such costs shall be in the chancery court of Davidson County.

SECTION 2. This act shall apply only to the Division of Regulatory Boards and shall not apply to the Division of Insurance or the Securities Division.


SECTION 3. This act shall become effective upon becoming law, the public welfare requiring it.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: March 16, 1998

APPROVED this 25th day of March 1998


DON PERDUE, GOVERNOR